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11 UNITED STATES DISTRICT COURT
12 DISTRICT OF NEVADA

13 Jack Leal,

14 Plaintiff,

15 v.

16 Nevada Department of Corrections, *et al.*,

17 Defendants.

Case No. 2:21-cv-01965-GMN-VCF

**STIPULATION AND ~~PROPOSED~~
ORDER] TO MODIFY/AMEND
SCHEDULING ORDER**

18
19 Pursuant to FRCP 16(b)(4), LR 26-3, the parties stipulate and agree to
20 modify/extend the Scheduling Order (ECF No. 52) and respectfully request that the
21 Court approve their proposed schedule set forth herein to extend all deadlines for a
22 period of thirty (30) days. This is the first stipulation for the extension of these
23 deadlines.¹ This request is submitted at least twenty-one (21) days or more before
24

25
26
27 ¹ Counsel for Plaintiff sought two prior extensions in the past, which were
unopposed. See ECF Nos. 48, 51.

1 the close of discovery (August 21, 2023), is made in good faith, and is supported by
2 good cause.

3 **STATEMENT OF FACTS IN SUPPORT OF STIPULATION**

4 Mr. Leal initiated the current matter by filing a Complaint on or about
5 October 25, 2021. ECF No. 1. This Court appointed counsel for Mr. Leal on January
6 30, 2023. ECF No. 45. Undersigned counsel, Martin L. Novillo, entered his
7 appearance on February 16, 2023. ECF No. 47.

8 On November 18, 2022, Defendants answered the Amended Complaint. ECF
9 No. 40. On November 21, 2022, the Court entered a Scheduling Order, which set
10 February 16, 2023, as the deadline for filing an Amended Complaint, and May 22,
11 2023, as the deadline for completing discovery. ECF No. 41. Mr. Leal filed a new
12 motion for appointment of counsel, which this Court granted on January 30, 2023.
13 ECF Nos. 44, 45. Undersigned counsel entered his appearance on February 16, 2023.
14 ECF No. 47. On that same date, counsel filed an Unopposed Motion for Revised
15 Scheduling Order, which sought to extend all deadlines in the above-referenced
16 Scheduling Order by sixty (60) days. ECF No. 48. This Court granted counsel's
17 motion on February 17, 2023. ECF No. 49. On April 17, 2023, counsel filed a Second
18 Unopposed Motion for Revised Scheduling Order, which sought to extend all
19 deadlines in the above-referenced Scheduling Order by thirty (30) days. ECF No. 51.
20 This Court granted counsel's motion on April 24, 2023. ECF No. 52.

21 On May 17, 2023, undersigned counsel Anna I. Heshmati, filed a Notice of
22 Change of Deputy Attorney General notifying the Court that she was substituting
23 Deputy Attorney General Taylor M. L. Rivich and assuming responsibility for
24 representing the interests of the Defendants. ECF No. 58.

25 Counsel have agreed to stipulate to an extension of thirty (30) days to all
26 deadlines in the revised scheduling order so as to allow counsel for Defendants to
27 familiarize herself with the case. The extension is also being requested so as to

1 permit the Federal Public Defender to finalize formulating inter-office procedures
2 for handling 1983 cases and setting up logistical support in the office.²

3 Therefore, the parties stipulate to extend the deadlines in the scheduling
4 order as follows:

- 5 • Discovery: that discovery in this action be completed on or before
6 September 20, 2023;
- 7 • Pleadings that may be brought under Fed. R. Civ. P. 13 & 14, or joining
8 additional parties under Fed. R. Civ. P. 19 & 20: that they be filed and
9 served not later than June 16, 2023;
- 10 • Amendments to pleadings as provided for under Fed. R. Civ. P. 15: that
11 they be filed and served no later than June 16, 2023;
- 12 • Expert disclosures: that they be made on or before July 18, 2023, and
13 that disclosures of rebuttal experts be made on or before August 17,
14 2023;
- 15 • Dispositive Motions: that they be filed and served no later than October
16 20, 2023;
- 17 • Joint Pretrial Order: that it be due on November 22, 2023.

If dispositive motions are filed,
the deadline for filing the joint
pretrial order will be suspended
until 30 days after
decision on the dispositive
motions or further court order.

18 CONCLUSION

19 Based on the foregoing and for good cause appearing, the Parties respectfully
20 request that the Court approve their Stipulation and request for a thirty (30) day
21 extension of the discovery and other deadlines.

22
23 ² As noted in Plaintiff's last motion for revised scheduling order, Mr. Leal's
24 case comprised the first case assignment involving a 1983 action received by an
25 attorney to the non-capital habeas unit at the Federal Public Defender. More
26 appointments have since followed. In response to those appointments, the unit has
27 set out to formulate inter-office procedures for handling 1983 cases. The unit has
likewise set out to secure and allocate the necessary resources and staff support.
Finally, the unit is in the process of conducting various training programs to enable
undersigned and other counsel to handle 1983 actions in an effective manner.

1 Dated May 17, 2023.

2
3 Aaron D. Ford
Attorney General

Rene L. Valladares
Federal Public Defender

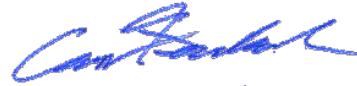
4 /s/ Anna I. Heshmati
5 Anna I. Heshmati
6 Deputy Attorney General

/s/ Martin L. Novillo
Martin L. Novillo
Assistant Federal Public Defender

7 Attorney for Defendants

Attorney for Plaintiff

8
9
10 IT IS SO ORDERED.

11 

12 _____
Cam Ferenbach
United States Magistrate Judge

13
14 DATED 5-19-2023